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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,978	10/03/2003	Hitoshi Higuchi	13869.0021US01	1565
23552	7590	10/24/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BROWN, DREW J	
			ART UNIT	PAPER NUMBER
			3616	
DATE MAILED: 10/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/678,978	<b>Applicant(s)</b> HIGUCHI ET AL.	
	<b>Examiner</b> Drew J. Brown	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/3/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/3/03</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

*[Handwritten marks: a large 'N' on the left and a signature 'W' on the right]*

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lorch (U.S. Pat. No. 4,488,691).

With respect to claim 1, Lorch discloses a seat belt device comprising a shoulder belt portion (52) for restraining the front portion of the upper half of the body of a passenger seated in an associated seat, a lap belt portion (26a and 26b) for restraining the thighs of the passenger, and a thigh belt portion (22) that extends across a seat cushion of the associated seat so as to be disposed under the thighs of the passenger in use, and which is provided for restraining the thighs of the passenger together with the lap belt portion (Fig. 1).

With respect to claim 2, Lorch also discloses an outer through anchor (60) which is disposed at an outer position with respect to the associated seat (side near passenger's right leg), and through which the lap belt portion runs. Also, an inner anchor (60) is disposed at an inner position (side near passenger's left leg) with respect to the associated seat, wherein an end of the thigh belt portion continues to the lap belt portion at the outer through anchor, and the other end of the thigh belt portion is fixed to the inner anchor.

3. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Soderstrom et al. (U.S. Pat. No. 6,729,693 B2).

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With respect to claim 1, Soderstrom et al. discloses a seat belt device comprising a shoulder belt portion (20) for restraining the front portion of the upper half of the body of a passenger seated in an associated seat, a lap belt portion (portion of lap belt 16 that is directly connected belt anchor 32) for restraining the thighs of the passenger, and a thigh belt portion (portion of lap belt 16 that is directly connected to retractor 24) that extends across a seat cushion of the associated seat so as to be disposed under the thighs of the passenger in use, and which is provided for restraining the thighs of the passenger together with the lap belt portion.

With respect to claims 5 and 6, the seat belt device has a pre-tensioner (column 5, lines 54-56) which is disposed at an inner and an outer position with respect to the associated seat, and to which an end of the thigh belt portion is connected via the lap belt portion. The pre-tensioner is adapted to wind the thigh belt portion upon detection of an impact (column 5, lines 56-58).

***Allowable Subject Matter***

4. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herndon (U.S. Pat. Nos. 4,720,064 and 5,046,687), Schwartz (U.S. Pat. No. 4,437,628), Busch (U.S. Pat. No. 6,076,894), Spinosa et al. (U.S. Pat. No. 4,738,413), and Murray (U.S. Pat. No. 5,660,445) disclose similar seat belt devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown  
Examiner  
Art Unit 3616

DJB



**DAVID R. DUNN**  
**PRIMARY EXAMINER**